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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,566	09/15/2003	Harold E. Mattice	29757/P-895	9741
4743 7590 06/21/2007 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER MOSSER, ROBERT E	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/662,566

Applicant(s)

MATTICE ET AL.

Examiner

Robert Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/18/05; 1/08/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information Disclosure statements entered January 8<sup>th</sup>, 2007 and May 9<sup>th</sup>, 2007 have been considered by the Examiner, a copy of the respective statements including the Examiner's notation have been attached for the Applicant's records.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-10, 14-15, 17, 21-23, 27-28, 34-38, and 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Gauselmann (2003/0109304) and incorporated by reference therein Sanduski et al (US 6,110,040) and Crawford et al (US 6,270,412).

Claims 1-2: Gauselmann teaches a gaming apparatus including:

a housing including a first opening (Elm 16b), a second opening (Elm 16a), and one or more light sources positioned around said second opening (Elms 20, 21, Figures 1,3,4);

a video display unit positioned relative to the housing such that a first portion of the display is visible through the first opening of the housing and a second portion is visible through the second opening of the housing (Figure 1);

a value input device (Elm 12);

a controller operatively coupled to the display unit, the value input device and the one or light sources wherein the controller further includes a processor operatively coupled to a memory (Paragraph 11, Figure 2);

said controller programmed to provide the game of poker, keno, or bingo (Paragraphs 7, 9);

said controller being further programmed to cause the display of a second display on a second display unit (Paragraph 9);

said controller being yet further programmed to illuminate said one or more light sources to emit light when said second display unit displays said second display (Paragraph 19); and

said controller additionally programmed to provide a value payout according to a game outcome (Paragraph 13).

**Claims 3:** Gauselmann teaches the inclusion an image including five playing cards through figure 2 of Sanduski et al (US 6,110,040), incorporated through reference by Gauselmann (paragraph 7).

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Claims 4, and 35-37: Gauselmann teaches the inclusion of a mechanical and/or virtual slot machine reel (Paragraphs 9, 24).

Claim 8-10: Gauselmann teaches the inclusion of a bonus game on said second display, a bezel/border comprising multiple light emitting diodes selectively illuminated based on the active display of gaming elements on a first or second display (Paragraphs 14, 19).

Claims 14, 27, and 46: Gauselmann teaches the inclusion a flat panel display unit in column 3 lines 44 through 50 of Crawford et al (US 6,270,412), incorporated through reference by Gauselmann (paragraph 7).

Claims 15, 28, and 47: Gauselmann teaches the inclusion a network in column 3 line 40 through Column 4 line 10 of Gauselmann (US 6,089,980), incorporated through reference by Gauselmann (paragraph 32).

Claims 17, and 21-23: Gauselmann teaches the invention as claimed however does not explicitly stated that the second display portion is utilized to display a third display however as set forth by the claim the second and third display shown on the second display screen are not presently distinguished beyond the terms of a second display and a third display, and accordingly are interpreted to be the same display (i.e. both the

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display of a bonus game) or alternatively to additionally encompass the display of multiple portions of a game shown on a second display.

Claims 34, and 38: Gauselmann teaches the inclusion of player selectable paylines in a slot game in column 5 lines 29 through 38 of Crawford et al (US 6,270,412), incorporated through reference by Gauselmann (paragraph 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 18-20, 29-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (2003/0109304) and incorporated by reference therein Sanduski et al (US 6,110,040) and Crawford et al (US 6,270,412) as applied to at least claims 1-4 above, and further in view of WO 03/010726.

Gauselmann teaches the invention as set forth above however is silent regarding the incorporation of movable panels operable to cover a second display and further operable open and reveal the display on the occurrence of a display generated on said second display. In a related gaming display however WO 03/010726 teaches the inclusion of movable panels operable to cover a second display and further operable open and reveal the display on the occurrence of a display generated on said second display (Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the shutter features of WO 03/010726 into the invention of Gauselmann in order to conceal display areas not presently in use by the gaming device and draw the user's attention to the relevant information.

The features of claims **19, 29-33** are addressed under the redress of at least claims **6** and **7** as further incorporating the Examiner's statement of Official Notice as detailed below.

Claims **6-7, 16, and 40-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (2003/0109304) and incorporated by reference therein Sanduski et al (US 6,110,040).

Claims **6-7, and 40-44**: Gauselmann teaches the invention as set forth above further including the use of sequential illumination to stimulate the rotation of the bezel (Paragraph 24) however is silent regarding the physical rotation of the bezel. The Examiner gives Official Notice that one of ordinary skill in the art would have recognized the equivalence of the simulation of motion of a physical element and the actual motion

of a physical element as equivalents and that such equivalence would be readily recognized by the interchangeability of mechanical reel displays and video reel displays in the art. It therefore would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated physically rotation bezel in the place of the static bezel of Gauselmann for simulating motion as a recognized alternative equivalent manner of conveying motion to viewer of a game device.

**Claim 16:** Gauselmann teaches the invention as set forth above including the use of a network however is silent regarding the specific incorporation of the Internet network. The Examiner gives Official Notice that the incorporation of the Internet into an electronic gaming machine was old and well known to one of ordinary skill in the art at the time of invention. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the Internet in the gaming apparatus of Gauselmann in order to allow for the incorporation of group progressive games over disperse geographic locations

Claims **11-13, 24-26, and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (2003/0109304) and incorporated by reference therein Sanduski et al (US 6,110,040) as applied to at least claims 1-4 above, and further in view of Luciano et al (US 2001/0034259)

Gauselmann teaches the invention as set forth above including the incorporation of a door (Paragraph 30), however is silent regarding the incorporation of a removable panel coupled to the housing and the use of a transparent material specifically over a



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opening in a housing. In a related gaming invention Luciano teaches the inclusion of a removably panel coupled to the housing and the use of a transparent material specifically over a opening in a housing(Figures 1, 4). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the removable panel and transparent window as taught by Luciano into the gaming device of Gauselmann in order to readily allow for the machine access that would be required for routine maintenance and repair and to further include a transparent window to protect the display devices from tampering and/or misuse.

### ***Conclusion***

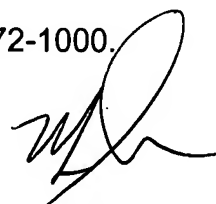
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RM/  
June 15<sup>th</sup>, 2007



MARK SAGER  
PRIMARY EXAMINER